

<b>UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER</b>		<b>DO NOT WRITE IN THIS SPACE</b> Case <b>05-CA-174982</b> Date Filed <b>4/25/16</b>	
<b>INSTRUCTIONS:</b> File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.			
<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>			
a. Name of Employer Holman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers		b. Number of workers employed 100	
c. Address  2011 Chamberlayne Avenue Richmond, VA 23223  McDonald's Corp. 2111 McDonald's Dr. Oak Brook, IL 60523	d. Employer Representative  Store: (b) (6), (b) (7)(C) LNU  McDonald's: Gloria Santana	e. Telephone No.  (804) 321-3405	
f. Type of Establishment Restaurant	g. Identify principal product or service Food Service		
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.			
<b>2. BASIS OF THE CHARGE</b> <i>(Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</i>  On a date within the last six months, employer interfered with, and discriminated against employees in the exercise of their Section 7 rights by dismissing employee (b) (6), (b) (7)(C) early from work and suspending (b) (6), (b) (7)(C) in retaliation for participating in a one day strike on (b) (6), (b) (7)(C) 2016.			
<b>3. Full name of party filing charge</b> <i>(If labor organization, give full name, including local name and number)</i> Southern Workers Organizing Committee			
4a. Address <i>(street and number, city, state, and ZIP code)</i>  314 S. Wilmington St., Suite 207 Raleigh, NC 27601		4b. Telephone No.  (b) (6), (b) (7)(C)	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit <i>(to be filled in when charge is filed by a labor organization)</i>			
<b>6. DECLARATION</b> I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.			
<u>Virginia Diamond</u> <i>(Signature of representative or person making charge)</i>		Attorney <i>(Title if any)</i>	
Address <u>Ashcraft &amp; Gerel LLP 4900 Seminary Road, Suite 650 Alexandria, VA 22311</u>		<u>(703) 627-5510</u> <i>(Telephone No.)</i>	
<i>(Date)</i> April 25, 2016			
<b>WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)</b>			



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, SUITE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410) 962-2822  
Fax: (410) 962-2198



Download  
NLRB  
Mobile App

April 28, 2016

(b) (6), (b) (7)(C)

Holeman Enterprises  
d/b/a McDonald's & McDonald's Corp.  
as Joint and Single Employers  
2011 Chamberlayne Avenue  
Richmond, VA 23222

Re: Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and Single  
Employers  
Case 05-CA-174982

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Kimberly E. Andrews whose telephone number is (410) 962-3120. If this Board agent is not available, you may contact Supervisory Field Examiner David A. Colangelo whose telephone number is (410) 962-0180.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

April 28, 2016

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

April 28, 2016

We can provide assistance for persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Charles L. Posner". The signature is fluid and cursive, with the first name "Charles" being more prominent and the last name "Posner" following in a similar style.

Charles L. Posner  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Ms. Gloria Santona  
McDonald's Corporation  
2111 McDonald's Drive  
Oak Brook, IL 60523



**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

05-CA-174982

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**HOLEMAN ENTERPRISES D/B/A  
MCDONALD'S & MCDONALD'S CORP. AS  
JOINT AND SINGLE EMPLOYERS**

Charged Party

and

**SOUTHERN WORKERS ORGANIZING  
COMMITTEE**

Charging Party

**Case 05-CA-174982**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 28, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6). (b) (7)(C)**

Holeman Enterprises  
d/b/a McDonald's & McDonald's Corp.  
as Joint and Single Employers  
2011 Chamberlayne Avenue  
Richmond, VA 23222

Ms. Gloria Santona  
McDonald's Corporation  
2111 McDonald's Drive  
Oak Brook, IL 60523

April 28, 2016

\_\_\_\_\_  
Date

Jacqueline Denegal, Designated Agent of  
NLRB

\_\_\_\_\_  
Name

*/s/ Jacqueline Denegal*

\_\_\_\_\_  
Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, SUITE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410) 962-2822  
Fax: (410) 962-2198



Download  
NLRB  
Mobile App

April 28, 2016

Virginia R. Diamond, Esq.  
Ashcraft & Gerel, LLP  
4900 Seminary Road  
Suite 650  
Alexandria, VA 22311

Re: Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and Single  
Employers  
Case 05-CA-174982

Dear Ms. Diamond:

The charge that you filed in this case on April 25, 2016 has been docketed as case number 05-CA-174982. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Kimberly E. Andrews whose telephone number is (410) 962-3120. If this Board agent is not available, you may contact Supervisory Field Examiner David A. Colangelo whose telephone number is (410) 962-0180.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

April 28, 2016

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlrb.gov](http://www.nlrb.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlrb.gov](http://www.nlrb.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Charles L. Posner  
Regional Director

Enclosure: Copy of Charge

cc: **(b) (6), (b) (7)(C)**  
Southern Workers Organizing Committee  
314 South Wilmington Street, Suite 207  
Raleigh, NC 27601



# CHARGE ASSIGNMENT SHEET (EMPLOYER)

Case No. 05-CA-174982

CASE NAME: *Holman Enterprises d/b/a McDonald's & McDonald's Corp. es*

DATE FILED: *4/25/15*

CATEGORY:  
☐ I ☐ II ☒ III

Potential 10(j)

*NG*

8(a)(2) (indicated name of union):

# discriminatees

8(a)(3): *1*

# of Employees (if not currently on charge) *109*

IO charge? Yes: ☐ No: ☒

☐ E-Filed Inquiry No.

Dispute City: *Richmond*

Dispute State: *CA*

HOT TOPIC? Yes: ☐ No: ☒

Barg Status:

- ☐ Existing Contract
- ☐ None
- ☒ Organizational Campaign
- ☐ Seeking Initial Contract
- ☐ Seeking Successor Contract

COMMENTS:

SUPERVISOR: *Colangelo*

AGENT: *Andrews*

- 8(a)(1)
- ☐ Coercive Actions (Surveillance, etc)
  - ☐ Coercive Rules
  - ☐ Coercive Statements (Threats, Promises of Benefits, etc.)
  - ☒ Concerted Activities (Retaliation, Discharge, Discipline)
  - ☐ Denial of Access
  - ☐ Discharge of supervisor (Parker-Robb Chevrolet)
  - ☐ Interrogation (including Polling)
  - ☐ Lawsuits
  - ☐ Weingarten

- 8(a)(4)
- ☐ Changes in Terms and Conditions of Employment
  - ☐ Discharge (including Layoff and Refusal to Hire)
  - ☐ Discipline
  - ☐ Refusal to Reinstate Employee/Striker
  - ☐ Shutdown or Relocate/ Subcontract Unit Work

- 8(a)(2)
- ☐ Assistance
  - ☐ Domination
  - ☐ Unlawful Recognition

- 8(a)(5)
- ☐ Alter Ego
  - ☐ Failure to Sign Agreement
  - ☐ Refusal to Bargain/Bad Faith Bargaining (including surface bargaining/direct dealing)
  - ☐ Refusal to Furnish Information
  - ☐ Refusal to Hire Majority
  - ☐ Refusal to Recognize
  - ☐ Repudiation/Modification of Contract[Sec 8(d)/Unilateral Changes
  - ☐ Shutdown or Relocate (e.g. First National Maintenance).Subcontract Work

- 8(a)(3)
- ☐ Changes in Terms and Conditions of Employment
  - ☐ Discharge (Including Layoff and Refusal to Hire (not salting))
  - ☒ Discipline
  - ☐ Lockout
  - ☐ Refusal to Consider/Hire Applicant (salting only)
  - ☐ Refusal to Reinstate Employee/Striker (e.g. Laidlaw)
  - ☐ Retaliatory Lawsuit
  - ☐ Shutdown or Relocate/ Subcontract Unit Work
  - ☐ Union Security Related Actions

- 8(e)
- ☐ All Allegations against a Labor Organization
  - ☐ All Allegations against an Employer

(b) (6), (b) (7)(C)

*DO*



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

Agent's Direct Dial: (410)962-3120

May 4, 2016

Via email  
Virginia R. Diamond, Esq.  
Ashcraft & Gerel, LLP  
4900 Seminary Road  
Suite 650  
Alexandria, VA 22311

Re: Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and Single  
Employers  
Case 05-CA-174982

Dear (b) (6), (b) (7)(C) and Ms. Diamond:

The above-captioned charge was filed on April 25, 2016. I came to Richmond, Virginia on April 27, 2015 to meet with another witness in another charge filed by the Charging Party. At the time, I was informed the discriminatee in the instant charge could not be reached. The Charging Party informed me that it would follow-up the following week to schedule a new appointment. I left a voicemail for (b) (6), (b) (7)(C) on May 3, 2015 informing (b) (6), (b) (7)(C) that I need to meet with the witness this week, or the charge may be dismissed.

I need to meet with the witness in this case, as well receive all of the Charging Party's evidence, by Monday May 9, 2016.

Very truly yours,

KIMBERLY E. ANDREWS  
Field Examiner

**From:** [Virginia Diamond](#)  
**To:** [Andrews, Kimberly](#)  
**Subject:** RE: Holeman Enterprises d/b/a McDonald's & McDonald's Corp 05-CA-174982  
**Date:** Thursday, May 12, 2016 5:23:27 PM

---

Ms. Andrews,

Thank you for your message. I am out of town and will work on this on Monday when I return.

Sincerely,

Virginia Diamond

---

**From:** Andrews, Kimberly [Kimberly.Andrews@nlrb.gov]  
**Sent:** Thursday, May 12, 2016 3:38 PM  
**To:** Virginia Diamond  
**Subject:** RE: Holeman Enterprises d/b/a McDonald's & McDonald's Corp 05-CA-174982

Ms. Diamond,

Would you like me to process the withdrawal and refile on the Charging Party's behalf this week? I would just have you resign and redate the previously filed charge.

Kimberly Andrews  
Board agent

National Labor Relations Board, Region 5  
100 South Charles Street  
Suite 600, Tower II  
Baltimore, MD 21202  
t: (410)962-3120  
f: (410)962-2198

**From:** (b) (6), (b) (7)(C) [mailto:(b) (6), (b) (7)(C)@raiseupfor15.org]  
**Sent:** Monday, May 09, 2016 11:56 AM  
**To:** Virginia Diamond <vdiamond@ashcraftlaw.com>; Andrews, Kimberly <Kimberly.Andrews@nlrb.gov>  
**Cc:** lauren.bonds@seiu.org  
**Subject:** Re: FW: Holeman Enterprises d/b/a McDonald's & McDonald's Corp 05-CA-174982

Hello Ginny and Kimberly! I am so sorry this took so long to facilitate, (b) (6), (b) (7)(C) just called me today from a different phone number and I found out (b) (6), (b) (7)(C) changed numbers which was why setting up contact was so hard. (b) (6), (b) (7)(C) is available to meet anytime (b) (6), (b) (7)(C) for the (b) (6), (b) (7)(C) and would like to do so as soon as possible. (b) (6), (b) (7)(C) new contact number is (b) (6), (b) (7)(C) but, I can help facilitate the appointment whenever you are available. Please let me know. Thanks,  
(b) (6), (b) (7)(C)

On Wednesday, May 4, 2016, Virginia Diamond <[vdiamond@ashcraftlaw.com](mailto:vdiamond@ashcraftlaw.com)> wrote:

(b) (6), (b) (7)(C),  
Could you please contact Ms. Andrews to help facilitate an appointment?  
Thanks,

Ginny

---

**From:** Andrews, Kimberly [mailto:[Kimberly.Andrews@nlrb.gov](mailto:Kimberly.Andrews@nlrb.gov)]  
**Sent:** Wednesday, May 04, 2016 1:32 PM  
**To:** Virginia Diamond  
**Subject:** Holeman Enterprises d/b/a McDonald's & McDonald's Corp 05-CA-174982

Ms. Diamond,

I have been unable to confirm an appointment to meet with the discriminatee for the above-captioned case. Please see the attached letter regarding the matter. Also, if you have an email address for (b) (6), (b) (7)(C) I would be happy to forward this on since I have been in contact with (b) (6), (b) (7)(C) regarding appointments.

Kimberly Andrews  
Board agent

National Labor Relations Board, Region 5  
100 South Charles Street  
Suite 600, Tower II  
Baltimore, MD 21202  
t: (410)962-3120  
f: (410)962-2198

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, may contain confidential and privileged information, either as protected attorney work product or confidential client information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

--

(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) **Raise Up**  
**The Fight for \$15**  
(b) (6), (b) (7)(C)

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, may contain confidential and privileged information, either as protected attorney work product or confidential client information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**From:** [Dunham, Geoffrey](#)  
**To:** [Colangelo, David A](#)  
**Cc:** [Wainstein, Richard](#); [Kelly, David A.](#); [Roberts, Tracey](#)  
**Subject:** RE: Case 05-CA-174982: Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers: W/D Request  
**Date:** Friday, May 13, 2016 2:05:55 PM

---

Dave, thanks for letting me know. It's OK to process withdrawal request. Geoff

---

**From:** Colangelo, David A  
**Sent:** Friday, May 13, 2016 1:48 PM  
**To:** Dunham, Geoffrey  
**Subject:** Case 05-CA-174982: Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers

Geoff,

In accordance with the McDonald's coordinated case guidance, I'm contacting you to obtain approval to process a withdrawal request in the above-captioned case. (b) (5)

Thanks in advance for your assistance.

Dave

**David Colangelo | Supervisory Field Examiner**

National Labor Relations Board, Region 5

Bank of America Center, Tower II

100 South Charles Street, Suite 600

Baltimore, MD 21201

Phone: (410) 962-0180

Fax: (410) 962-2198

Case Name: Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers  
Case No.: 05-CA-174982  
Agent: Andrews Agent

**CASEHANDLING LOG**

Date	Person Contacted	Method of Contact	Description of Contact or Activity
4/26	Diamond  (b) (5), (b) (6), (b) (7)(C)	phone	She told me to call (b) (5), (b) (6), (b) (7)(C)  (b) (5), (b) (6), (b) (7)(C)
4/27 and 4/28	(b) (5), (b) (6), (b) (7)(C)	Phone and person	She cannot get in touch with witness. I was in Richmond, but he could not come
5/2	(b) (5), (b) (6), (b) (7)(C)	phone	I left (b) (5), (b) (6), (b) (7)(C) VM asking if (b) (5), (b) (6), (b) (7)(C) got ahold of witness (b) (5)
5/4	Diamond	email	I sent deadline letter for 5/10 to present evidence.
5/10	Diamond	email	(b) (5), (b) (6), (b) (7)(C)  She said she will wdl (b) (5), (b) (6), (b) (7)(C)
5/13	Diamond	letter	She sent in a request to wdl charge.



**From:** [Colangelo, David A](#)  
**To:** [Cook, Stephanie M.](#)  
**Subject:** RE: FIR. 05-CA-174982.chain approving-Withdrawal  
**Date:** Thursday, May 19, 2016 9:33:03 AM

---

Stephanie,

The revised letter looks good.

Thanks,

Dave

---

**From:** Cook, Stephanie M.  
**Sent:** Wednesday, May 18, 2016 2:11 PM  
**To:** Colangelo, David A  
**Subject:** RE: FIR. 05-CA-174982.chain approving-Withdrawal

I made a separate address block for the Chicago office with Couzo and Ferrell.

---

**From:** Colangelo, David A  
**Sent:** Wednesday, May 18, 2016 1:19 PM  
**To:** Wilkins, Charlene E. <[Charlene.Wilkins@nlrb.gov](mailto:Charlene.Wilkins@nlrb.gov)>  
**Cc:** Shuster, Steven L. <[Steven.Shuster@nlrb.gov](mailto:Steven.Shuster@nlrb.gov)>; Chambers, John <[John.Chambers@nlrb.gov](mailto:John.Chambers@nlrb.gov)>; Cook, Stephanie M. <[Stephanie.Cook@nlrb.gov](mailto:Stephanie.Cook@nlrb.gov)>  
**Subject:** RE: FIR. 05-CA-174982.chain approving-Withdrawal

There's a small revision needed. Couzo and Ferrell work out of Jones Day's Chicago office (77 West Wacker Drive, Suite 3500, Chicago, IL 60601) while Davis is based out of the New York office included in the letter. We'll need to include the Chicago address so maybe we create separate address blocks for the New York and Chicago offices.

---

**From:** Wilkins, Charlene E.  
**Sent:** Wednesday, May 18, 2016 11:50 AM  
**To:** Colangelo, David A  
**Cc:** Shuster, Steven L.; Chambers, John; Cook, Stephanie M.  
**Subject:** FW: FIR. 05-CA-174982.chain approving-Withdrawal  
**Importance:** High

Withdrawal letter is ready for final approval.

---

**From:** Cook, Stephanie M.  
**Sent:** Wednesday, May 18, 2016 11:46 AM  
**To:** Wilkins, Charlene E. <[Charlene.Wilkins@nlrb.gov](mailto:Charlene.Wilkins@nlrb.gov)>  
**Subject:** FIR. 05-CA-174982.chain approving-Withdrawal

The above case is ready for approval. [WDL.05-CA-174982.Letter Approving Withdrawal in C Case.docx](#)

---

**From:** Mitchell, Waynetta

**Sent:** Wednesday, May 18, 2016 11:45 AM  
**To:** Cook, Stephanie M. <[Stephanie.Cook@nlrb.gov](mailto:Stephanie.Cook@nlrb.gov)>  
**Subject:** RE: FIR. 05-CA-174982.chain approving-Withdrawal

I have proofed your letter and it is ready for approval. Thank you.

*Waynetta Mitchell*  
*Case Processing Assistant*  
*National Labor Relations Board*  
*Region 05*

*I believe holding grudges will block deserved blessings and will snail pace success in life.*

---

**From:** Cook, Stephanie M.  
**Sent:** Wednesday, May 18, 2016 11:30 AM  
**To:** Mitchell, Waynetta <[Waynetta.Mitchell@nlrb.gov](mailto:Waynetta.Mitchell@nlrb.gov)>  
**Subject:** FIR. 05-CA-174982.chain approving-Withdrawal  
**Importance:** High

The above case is ready for proofing. [WDL.05-CA-174982.Letter Approving Withdrawal in C Case.docx](#)

---

**From:** Chambers, John  
**Sent:** Tuesday, May 17, 2016 3:03 PM  
**To:** Cook, Stephanie M. <[Stephanie.Cook@nlrb.gov](mailto:Stephanie.Cook@nlrb.gov)>  
**Cc:** Wilkins, Charlene E. <[Charlene.Wilkins@nlrb.gov](mailto:Charlene.Wilkins@nlrb.gov)>; Shuster, Steven L. <[Steven.Shuster@nlrb.gov](mailto:Steven.Shuster@nlrb.gov)>  
**Subject:** FW: Disposition Chain WITHDRAWAL, Case 05-CA-174982 Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers  
**Importance:** High

Hi Stephanie,

Please process this w/d. Thanks!

Cheers!

John M. Chambers  
Administrative Officer (Office Manager)  
National Labor Relations Board, Region 5  
(410) 962-1712

*Don't let others define you. Be yourself, because that is when you're at your best!*

---

**From:** Wilkins, Charlene E.  
**Sent:** Tuesday, May 17, 2016 10:06 AM  
**To:** Chambers, John <[John.Chambers@nlrb.gov](mailto:John.Chambers@nlrb.gov)>  
**Cc:** Shuster, Steven L. <[Steven.Shuster@nlrb.gov](mailto:Steven.Shuster@nlrb.gov)>  
**Subject:** FW: Disposition Chain WITHDRAWAL, Case 05-CA-174982 Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers  
**Importance:** High

Withdrawal is ready to be processed.

---

**From:** Shuster, Steven L.  
**Sent:** Tuesday, May 17, 2016 9:11 AM  
**To:** Wilkins, Charlene E. <[Charlene.Wilkins@nrlb.gov](mailto:Charlene.Wilkins@nrlb.gov)>  
**Cc:** Colangelo, David A <[David.Colangelo2@nrlb.gov](mailto:David.Colangelo2@nrlb.gov)>  
**Subject:** FW: Disposition Chain WITHDRAWAL, Case 05-CA-174982 Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers

This w/d is approved and ready for processing.

---

**From:** Colangelo, David A  
**Sent:** Friday, May 13, 2016 3:40 PM  
**To:** Shuster, Steven L. <[Steven.Shuster@nrlb.gov](mailto:Steven.Shuster@nrlb.gov)>  
**Subject:** FW: Disposition Chain WITHDRAWAL, Case 05-CA-174982 Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers

Steve,

Here is a w/d in Kim's Holeman/McDonald's case. R2 has [given](#) us approval to process the w/d.

Dave

---

**From:** Andrews, Kimberly  
**Sent:** Friday, May 13, 2016 1:17 PM  
**To:** Colangelo, David A  
**Subject:** Disposition Chain WITHDRAWAL, Case 05-CA-174982 Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers

**WITHDRAWAL**

CASE NAME:	Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers
CASE NUMBER:	05-CA-174982
SCOPE: Full/Partial	If Partial, Allegations disposed of by this action: Allegations Remaining:
Date of issuance of Withdrawal Letter:	

-

Withdrawal Options:    Non-adjusted    Written

Remarks:

The charge was filed on April 25, 2016 alleging a discharge for union activity. The Charging Party was sent a [deadline letter](#) on May 3, 2016 with a deadline to present its evidence and witness by May 10, 2016. (b) (5)

[REDACTED]

[REDACTED]

Checklist:

- ☐ My [LOG](#) is updated in NxGen. (Link LOG)
- ☐ All Notices of Appearance, including e-mail correspondence, have been uploaded into NxGen.
- ☐ The Participant List accurately reflects all appearances.

Typist will save e mail chain as: **F R. 05-CA-174982.chain approving-Withdrawal**

Kimberly Andrews  
Board agent

National Labor Relations Board, Region 5  
100 South Charles Street  
Suite 600, Tower II  
Baltimore, MD 21202  
t: (410)962-3120  
f: (410)962-2198

# ASHCRAFT & GEREL, LLP

ATTORNEYS AND COUNSELLORS AT LAW

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS<sup>1</sup>

SUITE 850

4900 SEMINARY ROAD

ALEXANDRIA, VIRGINIA 22311

(703) 931-5500

FAX (703) 820-0630

ROCKVILLE, MD 20852

SUITE 1007

11300 ROCKVILLE PIKE

(301) 770-3737

LANDOVER, MD 20785

SUITE 301

1301 GARDEN CITY DRIVE

(301) 458-8400

WASHINGTON, DC 20006

SUITE 700

1025 K STREET, N.W.

(202) 783-8400

BALTIMORE, MD 21202

SUITE 1212

10 EAST BALTIMORE STREET

(410) 530-1122

VIRGINIA

LAWRENCE J. PASCAL

JAMES F. GREEN

MICHAEL A. PARFITT

CRAIG A. BROWN

DAVID L. BAYNE, JR.

DAVID B. VERMONT

JOSEPH T. MUSSO

GARA F. ANDERSON

OF COUNSEL

WAYNE N. MANSULLA

WILLIAM F. MULRONEY

L. PALMER FOOTE

VIRGINIA R. DIAMOND

ERIC M. MAY

LEE C. ASHCRAFT

1988-1993

MARTIN E. GEREL

1918-2011

DISTRICT OF COLUMBIA

ALLEN J. LOWE

CHRISTOPHER V. TISI

REBEKAH R. MILLER

JERRY D. SMITH

BENJAMIN C. DOUGLAS

DREW D. LAFRANCOISE

MARYLAND

ROBERT G. SAMET

ROBERT P. ENDELL

JONATHAN D. BEHR

DAVID M. LAYTON

ROBERT A. FLACK

ALAN J. HENSH

SAMUEL G. LYNN

NATHAN M. PEAK

MICHAEL C. LIND

STEPHEN M. GENSEMER

EMILY J. VASSIL

PATRICK K. LYONS

May 10, 2016

Mr. Charles L. Posner, Regional Director  
National Labor Relations Board, Region 5  
100 S. Charles St., Ste 600  
Bank of America Center, Tower II  
Baltimore, Maryland 21201

Re: Holman Enterprises d/b/a McDonald's & McDonald's Corp 05-CA-174982

Dear Mr. Posner

The charging party wishes to withdraw the above-referenced charge.

Thank you for your attention to this request.

Sincerely,

  
Virginia R. Diamond

cc: (b) (6), (b) (7)(C), Southern Workers Organizing Committee  
314 S. Wilmington St., Suite 207, Raleigh, NC 27601



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

May 18, 2016

Doreen S. Davis, Esq.  
Jones Day  
222 East 41st Street  
New York, NY 10017-6702

Veronica K. Couzo, Esq.  
Michael Ferrell, Esq.  
Jones Day  
77 West Wacker Drive  
Suite 3500  
Chicago, IL 60601

Re: Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and Single  
Employers  
Case 05-CA-174982

Dear Ms. Davis, Ms. Couzo, and Mr. Ferrell:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

*/s/ Charles L. Posner*

Charles L. Posner  
Regional Director

cc: See Page Two



Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and Single  
Employers  
Case 05-CA-174982

- 2 -

May 18, 2016

cc: (b) (6), (b) (7)(C) LNU  
Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and  
Single Employers  
2011 Chamberlayne Avenue  
Richmond, VA 23222

Ms. Gloria Santona  
McDonald's Corporation  
2111 McDonald's Drive  
Oak Brook, IL 60523

Virginia Diamond, Esq.  
Ashcraft & Gerel, LLP  
4900 Seminary Road  
Suite 650  
Alexandria, VA 22311

(b) (6), (b) (7)(C)  
Southern Workers Organizing  
Committee  
314 South Wilmington Street,  
Suite 207  
Raleigh, NC 27601